

PROGRAM OPPORTUNITY NOTICE

Renewable Energy and Conservation Planning Grants (RECPG)



PON-12-403

<http://www.energy.ca.gov/contracts/index.html>

State of California
California Energy Commission
March, 2013

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I. Introduction

PURPOSE OF PON

This California Energy Commission (“Energy Commission”) grant solicitation seeks proposals from qualified counties for the development or revision of rules and policies that facilitate the development of eligible renewable energy resources, and their associated electric transmission facilities, and the processing of permits for eligible renewable energy resources. The grant solicitation implements Section 25619 of the Public Resources Code and offers up to \$7 million in grants to the qualified counties of Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Stanislaus, and Tulare.

Investments in developing or revising county rules and policies will provide local communities with resources to develop or revise important planning tools that facilitate eligible renewable energy resource development and conservation, and contribute to meeting the state’s long-term energy and climate goals. For qualified counties in the Desert Renewable Energy Conservation Plan (DRECP) planning area, or in the planning area of another natural community conservation plan, planning grants provide resources to facilitate eligible renewable energy resource development and ensure the protection of ecosystems through the successful implementation of the DRECP or other applicable natural community conservation plans.

BACKGROUND

Assembly Bill x1 13 (Perez, Chapter 10, Statutes of 2011) added Section 25619 to the Public Resources Code and directs the Energy Commission to provide, upon appropriation from the legislature, up to \$7 million in renewable energy planning grants to 14 specific “qualified counties”. Assembly Bill 2161 (Achadjian, Chapter 250, Statutes of 2012) added the County of San Luis Obispo as a fifteenth qualified county. Assembly Bill 1255 (Perez, Chapter 601, Statutes of 2012) amended Section 25619 (b) by requiring qualified counties within the DRECP planning area to be awarded grants only if that county is a signatory to the DRECP planning agreement or enters into a Memorandum of Understanding (MOU) with the Energy Commission in which the county agrees to participate in the development of the DRECP.

Section 25619 (d) specifies that the Energy Commission can only implement Section 25619 upon receiving an appropriation from the legislature from either the Renewable Resource Trust Fund (RRTF) or from the Energy Resources Programs Account (ERPA). The appropriation was made from the RRTF in the 2012 Budget Act (AB 1464, Blumenfield, Chapter 21, Statutes of 2012). The Energy Commission has until the end of the 2012-2013 fiscal year (June 30, 2013) to encumber the funds appropriated in the Budget Act, and until June 30, 2015 to liquidate the funds.

APPLICABLE POLICIES AND PROGRAMS

The legislature adopted the series of legislation described in the Background Section as a part of California’s strategy to meet the climate goals of Assembly Bill 32 (AB 32, Nunez, Chapter 488, Statutes of 2006) and reduce greenhouse gas (GHG) emissions from the electric power sector; to achieve the Renewables Portfolio Standard (RPS) and the development and conservation goals of the DRECP; to implement Governor Brown’s Clean Energy Jobs Plan; and to provide local governments with resources to help facilitate the development of critical energy infrastructure.

This section describes policies and programs applicable to this solicitation. Internet web links to the full-text of all documents and websites related to policies and programs mentioned below are available in the References Section in Chapter II.

A. Assembly Bill 32 Scoping Plan and Emission Reductions

In 2008, the California Air Resources Board (CARB) adopted Assembly Bill 32 (AB 32) Scoping Plan, which contains the main strategies California will use to reduce the GHG that cause climate change. The measures in the Scoping Plan will reduce California's GHG emissions to 1990 levels by 2020 and 80 percent of 1990 emissions level by 2050. As indicated in the Scoping Plan, increasing electricity generation from renewable energy resources will yield significant GHG reductions and contribute to the 2020 and 2050 GHG reduction goals.

B. Renewables Portfolio Standard (RPS)

To implement the renewable energy strategies in the AB 32 Scoping Plan, then Governor Schwarzenegger issued Executive Order S-14-08 (November 17, 2008) establishing a state policy goal of producing 33 percent of California's electrical needs with renewable energy resources by 2020. In 2011, the legislature enacted Senate Bill x1 2 (Simitian, Chapter 1, First Extraordinary Session, Statutes of 2011), which codified California's Renewables Portfolio Standard (RPS) requiring 33 percent of retail electric sales in California to be met with eligible renewable energy resources by 2020. The RPS-eligible renewable energy resources contribute to achieving the state's climate change goals of reducing greenhouse gases to 1990 levels by 2020, and to 80 percent of 1990 emissions levels by 2050, making the success and expansion of RPS energy generation a key priority for California's future.

C. Renewable Energy Action Team and the Desert Renewable Energy Conservation Plan

In 2008, state and federal agencies created an inter-agency cooperative effort known as the Renewable Energy Action Team (REAT) through the "Memorandum of Understanding Between the California Energy Commission and the California Department of Fish and Game Regarding the Establishment of the Renewable Energy Action Team" (November 17, 2008). In the Memorandum of Understanding, the California Department of Fish and Game (CDFG), the Energy Commission, the Bureau of Land Management (BLM), and the United States Fish and Wildlife Service (USFWS) (REAT Agencies) committed to a cooperative relationship to achieve shared energy policy goals.

The REAT agencies subsequently entered into the "Planning Agreement by and among California Department of Fish and Game, California Energy Commission, United States Bureau of Land Management, and United States Fish and Wildlife Service for the Desert Renewable Energy Conservation Plan" (May 2010).

California Executive Order S-14-08 requires the development of the DRECP, a multiagency conservation and planning document intended to guide renewable energy project siting in the Mojave and Colorado Deserts of California and provide for the conservation and management of certain species, habitats and natural communities that may be affected by those projects. The Draft DRECP, planned for release in 2013, is intended to be a detailed document that includes a draft natural community conservation plan under California's Natural Community Conservation Planning Act, a draft habitat conservation plan under the federal Endangered Species Act, a draft land use plan amendment under the Federal Land Policy and Management Act, and a draft joint environmental impact report (EIR)/environmental impact statement (EIS) under the California Environmental Quality Act and the National Environmental Policy Act.

As described in the DRECP "Description and Comparative Evaluation of Draft DRECP Alternatives" (December 17, 2012), participation of local governments, especially counties in the DRECP plan area, will strengthen the DRECP and increase its success and effectiveness. Planning grants offer qualified counties in the DRECP an opportunity to ensure the DRECP is compatible with county rules and policies in ways that help to implement or complement the DRECP.

D. Governor Brown's Clean Energy Jobs Plan

Governor Brown's Clean Energy Jobs Plan calls for deep investments in clean energy to help rebuild California's economy. Building a clean energy infrastructure will create jobs, "build the businesses of the 21st century, increase energy independence, and protect public health." Specifically, the Clean Energy Jobs Plan calls for 20,000 megawatts of renewable electricity, with 12,000 megawatts generated from localized electricity generation and 8,000 megawatts generated from large-scale renewables.

Significant investment in renewable energy development is necessary to support 20,000 new megawatts of renewable electricity and achieve the goals of the Clean Energy Jobs Plan. Counties are an important component in facilitating the development of eligible renewable energy resources and this PON will invest in the planning processes of qualified counties that express a strong commitment to facilitating eligible renewable energy resource development.

E. The California Energy Commission, Local Governments, and State Planning Priorities

The Energy Commission is California's primary energy policy and planning agency, and since 1974 has issued development permits and environmental clearance for most of California's electric power plants. The Energy Commission is the permitting authority for electric power plants 50 megawatts and larger that use thermal energy to create electricity. Counties are the permitting authority for most non-thermal power plants, such as wind and solar photovoltaic, located on private lands in California. Projects approved by Counties are subject to applicable federal and state law, as well as local governments land use rules and policies. Counties, especially those rich with renewable energy resources, play an integral role in siting projects and helping California meet its energy and environmental goals.

Appendix C of CARB's Assembly Bill 32 Scoping Plan describes local governments' role in achieving AB 32 climate goals. As described in Appendix C, local governments, in some cases, have "exclusive authority over significant emission sources through their planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations. In fact, many of the measures identified in the Scoping Plan rely on actions that local governments can take." Local governments' planning and permitting authority for most RPS technologies means that local governments are critical to achieving RPS targets and AB 32 climate goals.

In Strategy 1 of the Renewable Action Plan in the 2012 Integrated Energy Policy Report Update (IEPR), the Energy Commission describes the Challenges, Opportunities, and Recommendations for identifying preferred geographic areas for renewable development. Strategy 1 includes Actions and Implementation Steps to:

Identify and prioritize geographic areas in the state for both renewable utility-scale and distributed generation development. Priority areas should have high levels of renewable resources, be located where development will have the least environmental impact, and be close to planned, existing, or approved transmission or distribution infrastructure. Prioritization should also include increasing efforts between state and local agencies to coordinate local land-use planning and zoning decisions that ease the siting and permitting of renewable energy-related infrastructure.

The Energy Commission understands that certain counties face resource constraints and have expressed a need for assistance with planning and permitting renewable energy technologies. The Energy Commission also recognizes that even during challenging fiscal times, several counties are responding to renewable energy development by revising county rules and policies to review a growing number of development applications for eligible renewable energy resources. This PON is directed at those qualified counties that are experiencing and have the potential for experiencing development interest in eligible renewable energy resources.

Section 4 of Assembly Bill 857 (Wiggins, Chapter 1016, Statutes of 2002) adds Section 65041.1 to the Government Code and establishes three state planning priorities. The planning priority objectives are to “promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities.” The planning priorities suggest specific ways in which State government can prioritize activities related to infrastructure spending and land use to promote more sustainable development in California. The planning priorities are commonly referred to as Community Revitalization (65401.1(a)); Natural Resources (65401.1(b)); and, Efficient Development (65401.1(c)).

Applicable to this PON is the Natural Resources Planning Priority, which affirms the following priorities:

65401.1(b) To protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands, natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands, recreation lands such as parks, trails, greenbelts, and other open space, and landscapes with locally unique features and areas identified by the state as deserving special protection.

KEY ACTIVITIES AND DATES

Key activities including dates and times for this PON are presented below. An addendum will be released if the dates change for the asterisked (*) activities.

ACTIVITY	ACTION DATE
PON Release	3/11/13
Pre-Application Workshop	3/21/13
Deadline for Written Questions by 5:00 p.m.*	3/22/13
Distribute Questions/Answers and Addenda (if any) to PON	3/26/13
Deadline to Submit Applications by 3:00 p.m.*	4/10/13
Anticipated Notice of Proposed Award Posting Date	4/25/13
Deadline to finalize an MOU (if applicable) and/or submit an authorizing resolution.	5/1/2013
Anticipated Commission Business Meeting Date	6/12/13
Anticipated Agreement Start Date	6/30/13
Agreement Termination Date	3/31/15

AVAILABLE FUNDING AND HOW AWARD IS DETERMINED

There is up to \$7 million available for the agreements resulting from this PON. The maximum award amount per agreement is \$700,000. Partial funding may be considered to maximize grant awards.

Applicants compete based on selection criteria and are scored and ranked based on those criteria. Highest scoring applicants receive funding.

The Energy Commission reserves the right to reduce the agreement amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Energy Commission agreements. In this event, the Recipient and Commission Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work and budget commensurate with the level of available funding.

II. Eligibility Requirements

ELIGIBLE APPLICANTS

This solicitation is only available to qualified California counties that meet the eligibility requirements below.

The following California counties are defined as “qualified counties” in Public Resources Code Section 25619 (a): Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Stanislaus, and Tulare.

The Energy Commission is restricted from awarding grant funds to qualified counties within the DRECP planning area (Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego), unless the qualified county meets one of the following conditions:

- **Public Resources Code Section 25619(b)(1)** The county is a “plan participant,” as defined by paragraph (1) of subdivision (j) of Section 2805 of the Fish and Game Code, in the Desert Renewable Energy Conservation Plan.
- **Public Resources Code Section 25619(b)(2)** The county enters into a memorandum of understanding (MOU) with the Energy Commission in which the county agrees to participate in the development of a natural community conservation plan for the purpose of ensuring that the natural community conservation plan can achieve the goals set forth in the planning agreement entered into pursuant to Section 2810 of the Fish and Game Code, that is dated May 2010, for the preparation of a natural community conservation plan, in a manner that is consistent with the applicable policies of the county.

Qualified counties in the DRECP planning area that are not plan participants in the DRECP must execute an MOU between the County and the Energy Commission. Applicants are not required to submit a copy of an executed MOU as part of a grant application. Energy Commission staff will verify the status of all MOUs with the Energy Commission’s Contract, Grants, and Loans Office.

As of March 11, 2013 the following counties have executed an MOU with the Energy Commission or have expressed that they intend to seek approval from their Board of Supervisors: County of Imperial, County of Inyo, County of Los Angeles, and County of San Bernardino.

On December 12, 2012, the Energy Commission approved a template MOU for counties in the DRECP. A copy of the template MOU and instructions for executing the MOU are available in Attachment 12.

NOTE: If a qualified county in the DRECP planning area does not have a county- and Energy Commission- approved MOU, per the instructions in Attachment 12, on or before May 1, 2013, the Energy Commission may disqualify the application.

ELIGIBLE PROJECTS

Grant applications must clearly demonstrate how grant funds will be used for the development or revision of rules and policies, including, but not limited to, general plan elements, zoning ordinances, or a natural community conservation plan as a plan participant, that facilitate the development of eligible renewable energy resources, and their associated electric transmission facilities, and the processing of permits for eligible renewable energy resources.¹

¹ Section 399.12(e) of the Public Utilities Code defines an “eligible renewable energy resource” as an electrical generating facility that meets the definition of a “renewable electrical generation facility” in Section 25741 of the Public Resources Code with some restrictions listed in 399.12(e)(1) and (2). A

Consistent with Section 25619(b), a general plan element or zoning ordinance that is adopted or revised shall be completed within two years of receipt of the grant and shall be consistent with the conservation strategies of any natural community conservation plan, if one has been approved or is under development, pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code).

PREFERENCE POINTS

Public Resources Code Section 25619(c) establishes two preferences that the Energy Commission shall consider when awarding grants. As shown in the Evaluation Criteria of this solicitation, applicants seeking Preference Points must identify and demonstrate in their applications the Preferences Points that the applicant is seeking. The two preferences are:

- Preference for a grant to a qualified county in an amount that is adequate to develop a renewable energy element in its general plan that will facilitate the development and siting of eligible renewable energy resources that utilize multiple renewable energy technologies.
- Preference for a grant for those counties that have experience in geothermal energy development and have adopted a geothermal element, as defined in Section 25133, to its general plan.²

MATCH FUNDING REQUIREMENTS

For eligibility purposes, the Energy Commission does not require applicants to commit match funding.

PRE-APPLICATION WORKSHOP

There will be one Pre-Application Workshop; participation in this meeting is optional but encouraged. The Pre-Application Workshop will be held through in-person participation, WebEx, and conference call at the date, time and location listed below. Please call (916) 654-4381 or refer to the Energy Commission's website at www.energy.ca.gov/contracts/index.html to confirm the date and time.

March 21, 2013
1:00 p.m.
California Energy Commission
Hearing Room B, First Floor
1516 9th Street
Sacramento, CA 95814

renewable electrical generation facility must satisfy the criteria in Section 25741(a), which requires, among other things, that the facility use biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and any additions or enhancements to the facility using that technology.

² Section 25133 of the Public Resources Code states that a "Geothermal element" means an element of a county general plan consisting of a statement of geothermal development policies, including a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals, including a discussion of environmental damages and identification of sensitive environmental areas, including unique wildlife habitat, scenic, residential, and recreational areas, adopted pursuant to Section 65303 of the Government Code.

COMPUTER LOGON

1. Please go to <https://energy.webex.com> and enter the unique meeting number: **923 230 390**
 2. When prompted, enter your information and the following meeting password: **meeting@1**
- NOTE: Access to WebEx meetings is now available from your mobile device. To learn more and access your app, please visit <http://www.webex.com/overview/mobile-meetings.html>

TELECONFERENCE

After logging in on the computer, an AUDIO CONFERENCE BOX will offer you the choice of phone connections:

1. TO HAVE WEBEX CALL YOU BACK: Type your area code and phone number and click "Call Me"
2. TO CALL INTO THE TELECONFERENCE: Use the drop-down box to select "I will call in" and follow the on-screen directions
3. INTERNATIONAL CALLERS: Click on the "Global call-in number" link in part (2) above
4. TO LISTEN OVER THE COMPUTER: If you have the needed equipment and your computer is configured, click on "Use Computer Headset" and then "Call Using Computer" to use VoIP (Internet phone)

TELEPHONE ONLY (NO COMPUTER ACCESS): Call **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number: **923 230 390**. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>

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TECHNICAL SUPPORT

For help with problems or questions trying to join or attend the meeting, please call WebEx Technical Support at 1-866-229-3239.

System Requirements: To see if your computer is compatible, visit <https://support.webex.com/MyAccountWeb/systemRequirement.do?root=Tools&parent=System> and refer to the WBS 28 section

Meeting Preparation: The playback of UCF (Universal Communications Format) rich media files requires appropriate players. To view this type of rich media files in the meeting, please check whether you have the players installed on your computer by going to <https://energy.webex.com/energy/systemdiagnosis.php>.

QUESTIONS

During the PON process, questions of clarification about this PON must be directed to the Grants Officer listed in the following section. You may ask questions at the Pre-Application Workshop, and you may submit written questions via mail, electronic mail, and by FAX. However, all questions must be received by 5:00 pm on the date listed in the Key Activities and Dates table earlier in this solicitation.

Question and answer sets will be e-mailed to all parties who attended the Pre-Application Workshop and provided their contact information on the sign-in sheet. The questions and answers will also be posted on the Commission's website at:
<http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with a Commission employee concerning this PON is not binding on the State and shall in no way alter a specification, term, or condition of the PON. Therefore, all communication should be directed in writing to the Energy Commission's Grant Officer assigned to the PON.

CONTACT INFORMATION

Andrew Ferrin, Grants Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654-4921
FAX: (916) 654-4423
E-mail: andrew.ferrin@energy.ca.gov

REFERENCE DOCUMENTS

Applicants should familiarize themselves with the Reference Documents in this section. The Reference documents include internet web links to references mentioned in the Policies and Program section of the Introduction as well as other helpful resources.

Policies and Program References

Assembly Bill x1 13 (V. Manuel Perez, Chapter 10, Statutes of 2011)
http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=abx1_13&sess=PREV&house=B&author=v._manuel_perez

Assembly Bill 2161 (Achadjian, Chapter 250, Statutes of 2012)
<http://www.leginfo.ca.gov/cgi-bin/postquery>

Assembly Bill 1255 (V. Manuel Perez, Chapter 601, Statutes of 2012)
http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1255&sess=PREV&house=B&author=v._manuel_perez

Senate Bill x1 2 (Simitian, Chapter 1, First Extraordinary Session, Statutes of 2011)
http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sbx1_2&sess=PREV&house=B&author=simitian

Assembly Bill 32 (Nunez, Chapter 488, Statutes of 2006)
http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_32&sess=0506&house=B&author=nunez

Assembly Bill 857 (Wiggins, Chapter 1016, Statues of 2002)
http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_857&sess=0102&house=B&author=wiggins

Assembly Bill 32 Scoping Plan
<http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>

Executive Order S-14-08 (November 17, 2008)
<http://gov.ca.gov/news.php?id=11072>

Memorandum of Understanding Between the California Energy Commission and the California Department of Fish and Game Regarding the Establishment of the Renewable Energy Action Team (November 17, 2008).

<http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy.Par.76169.File.dat/RenewableEnergyMOU-CDFG-CEC-BLM-USFWS-Nov08.pdf>

Planning Agreement by and among California Department of Fish and Game, California Energy Commission, United States Bureau of Land Management, and United States Fish and Wildlife Service for the Desert Renewable Energy Conservation Plan (May 2010).

<http://www.energy.ca.gov/2009publications/REAT-1000-2009-034/REAT-1000-2009-034-F.PDF>

Governor Brown's Clean Energy Jobs Plan

http://www.jerrybrown.org/sites/default/files/6-15%20CleanClean_Energy%20Plan.pdf

Other Reference Documents

Bioenergy Action Plan

http://www.energy.ca.gov/bioenergy_action_plan/

California County Planning Directors Association (CCPDA), Solar Electric Facility Permit Streamlining Guide and Model Ordinance

<http://www.ccpda.org/en/solar>

California Department of Conservation's Land Resources Protection

<http://www.conservation.ca.gov/dlrp/Pages/Index.aspx>

California Department of Conservation's Rural Land Mapping Project for San Joaquin Valley Counties

http://www.conservation.ca.gov/dlrp/fmmp/Pages/rural_land_mapping.aspx

California Department of Fish and Wildlife's Grants for Natural Community Conservation Plans (NCCPs) and Habitat Conservation Plans (HCPs)

<http://www.dfg.ca.gov/habcon/nccp/grants.html>

Desert Renewable Energy Conservation Plan (DRECP)

<http://www.drecp.org/>

- *Baseline Biology Report*
http://drecp.org/documents/docs/baseline_biology_report/index.php
- *Best Management Practices and Guidance Manual: Desert Renewable Energy Projects*
<http://www.energy.ca.gov/2010publications/REAT-1000-2010-009/REAT-1000-2010-009.PDF>
- *Interim Mitigation Strategy as Required by SB X8 34*
<http://www.energy.ca.gov/2010publications/DRECP-1000-2010-006/DRECP-1000-2010-006-F.PDF>
- *Planning Agreement*
<http://www.energy.ca.gov/2009publications/REAT-1000-2009-034/REAT-1000-2009-034-F.PDF>
- *Preliminary Conservation Strategy*
http://drecp.org/documents/docs/preliminary_conservation_strategy/index.php

Energy Aware Facility Siting and Permitting Guide

http://www.energy.ca.gov/energy_aware_guide/siting.html

Energy Aware Planning Guide
http://www.energy.ca.gov/energy_aware_guide/index.html

Solar Energy Development Programmatic Environmental Impact Statement, Information Center
<http://solareis.anl.gov/>

Guidelines for Active Solar Energy Systems New Construction Exclusion
<http://www.boe.ca.gov/proptaxes/gase.htm>

2012 Integrated Energy Policy Report (IEPR) Update
http://www.energy.ca.gov/2012_energy_policy/documents/

National Renewable Energy Laboratory (NREL): Renewable Resources Maps and Data
http://www.nrel.gov/renewable_resources/

Natural Community Conservation Planning
<http://www.dfg.ca.gov/habcon/nccp/>

Renewable Energy in California
http://opr.ca.gov/s_renewableenergy.php

Renewable Energy Transmission Initiative
<http://www.energy.ca.gov/reti/index.html>

Renewable Power in California: Status and Issues
<http://www.energy.ca.gov/2011publications/CEC-150-2011-002/CEC-150-2011-002-LCF-REV1.pdf>

Replacing a Williamson Act Contract with a Solar-Use Easement
<http://www.cfbf.com/issues/landuse/solar/>

RE-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites
<http://www.epa.gov/oswercpa/>

U.S. Department of the Interior: Bureau of Land Management's in California
<http://www.blm.gov/ca/st/en/prog/energy.html>

III. Application Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit an application. The format is prescribed to assist the Applicant in meeting State requirements and to enable the Commission to evaluate each application uniformly and fairly. Applicants must follow all Application format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR AN APPLICATION

All applications submitted under this PON must be typed or printed using a standard 11-point font, single-spaced, with a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged. Original of application should be bound only with a binder clip.

NUMBER OF COPIES

Applicants must submit the original and 7 copies of the application.

Applicants must also submit electronic files of the application on **CD-ROM or USB memory stick** along with the paper submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 5, must be in Excel format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of the application must be labeled "Program Opportunity Notice 12-403," and include the title of the application.

Include the following label information and deliver your application, in a sealed package:

Person's Name, Phone #
Applicant's Name
Street Address
City, State, Zip Code
FAX #

PON-12-403
Contracts, Grants & Loans Office, MS-18
California Energy Commission
1516 Ninth Street, 1st Floor
Sacramento, California 95814

PREFERRED METHOD FOR DELIVERY

An Applicant may deliver an application by:

- U. S. Mail
- In Person
- Courier service

Applications must be delivered to the Commission Contract, Grants and Loans Office **no later than 3:00 p.m.** on the date listed in the Key Activities and Dates table earlier in this solicitation. Applications received after the specified date and time are considered late and will not be accepted. There are no exceptions to this rule. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR APPLICATION AS FOLLOWS

SECTION 1, Administrative Response

Proposal Cover Page	
Table of Contents	
Application Form	Available in Attachment 1 and described in A below.
Project Team	See B below.

SECTION 2, Technical and Cost Application

Project Narrative	Described in C below.
Scope of Work (SOW)	SOW template available in Attachment 2 and SOW instructions available in Attachment 3. See D below.
Schedule of Products	Schedule of Products template available in Attachment 4. See D below.
Budget Forms	Required budget forms available in Attachment 5 and see E and F below.
Board of Supervisors Authorizing Resolution	See G below.
CEQA Compliance Form	Required compliance form available in Attachment 10 and see I below.

REQUIRED DOCUMENTS

Sections A-I describe the requirements for all applications to this PON. Applicants must meet all of the requirements described below.

A. Application Form

Applicants must include a complete and signed Application Form (shown in Attachment 1). An authorized representative of the Applicant's organization must sign the Application Form. This signature certifies that all information in the application is correct and complete to the best of the applicant's knowledge AND that the applicant has read the Terms and Conditions, and will accept them without negotiation if awarded. The title of the authorized representative must match the title shown in the approved resolution from the Applicant governing body. Applicants applying for Preference Points must indicate the Preference Points on the Application Form.

B. Project Team (2 pages maximum)

- Identify, by name, all key personnel assigned to the project, including the project manager, and clearly describe their individual areas of responsibility. The project manager is the one individual responsible for interacting with the Energy Commission Grant Manager on all issues relating to the overall project and coordinating all aspects of work under the project. The Project Manager should match the Project Manager identified on the Application Form.
- Applicant's that will use a contractor for the proposed project, but that have not identified the contractor at the time of applying to this PON, should describe the process to be used for selecting a contractor that can achieve the goals in the Scope of Work and perform the Technical Tasks in the Scope of Work.
- For each individual include county department, position title, job description, and contact information (telephone number and email address).

C. Project Narrative (12 pages maximum)

The Project Narrative is a description of the proposed project and should be consistent with the applicant's Scope of Work. The maximum length of the Project Narrative is twelve (12) pages. All information provided in the Project narrative will be considered in the review and ranking of applications as described in the Evaluation Criteria.

At minimum, a Project Narrative must include the following:

County Background

- Describe the organizational structure of the County, including a description of how the organizational structure relates to the project. For example, briefly describe which departments or other entities in the county are responsible for preparing, overseeing, and approving the proposed rules and policies. Describe how the project fits into the context of the County's future vision for renewable energy development and conservation.
- Describe the County's experience with eligible renewable energy resource development, including but not limited to: current rules, policies, and plans; expressed development interest in eligible renewable energy resource development (i.e. number of approved, disapproved, and pending eligible renewable energy resource development requests by technology); the number of months it took to approve, or disapprove each project by technology; the amount of time that each pending eligible renewable energy resource development request has been in the permitting process; and, the potential interest in future eligible renewable energy resource development in the county.
- Describe the County's experience with developing and implementing conservation rules, policies, and processes to facilitate renewable energy development, including but not limited to: Natural Community Conservation Plans (NCCPs), Habitat Conservation Plans (HCPs), or environmental mitigation measures or programs. Estimate and describe the future demand for natural resource conservation planning and implementation in the county.

Planning and Conservation

- Describe the specific impediments to eligible renewable energy resource development within the qualified county. At a minimum, impediments should include county rules and policies that may be misaligned with the rules and policies of other jurisdictions and that may impede eligible renewable energy resource development. For example, impediments may include inconsistencies between county permitting processes for eligible renewable energy resources and the permitting processes for eligible renewable energy resources in an NCCP or HCP; an absence of county rules and policies to facilitate eligible renewable energy resource development; and, a lack of information to develop rules and policies to facilitate eligible renewable energy resource development. Impediments are the principal barriers, key unresolved issues, and knowledge gaps that hinder eligible renewable energy development in the County. The impediments shall be consistent with the Problem Statement in the Scope of Work.
- Identify the rules and policies the County will develop or revise to overcome eligible renewable energy resource development impediments. Describe how the rules and policies will facilitate the development of eligible renewable energy resources, and their associated electric transmission facilities, and the processing of permits for eligible renewable energy resources.
- Applicants should demonstrate how the proposed rules and policies will improve county processes to facilitate eligible renewable energy resource development. At a minimum, applicants shall estimate by eligible renewable energy resource technology the savings in the amount of time (in months) it will take to permit eligible renewable energy resource projects once the county implements the rules and policies.
- Describe applicant's commitment to regional conservation planning, including but not limited to NCCPs, HCPs, General Plan Policies, or other conservation plans.
- Where applicable, identify each NCCP with land within the legal boundary of the county that includes eligible renewable energy resource technologies as a covered activity.
- Describe how the project is consistent with the Natural Resources priorities contained in Government Code Section 65401.1(b). Identify the natural resources in the county that are priorities and describe how the project will protect, preserve, and enhance such priority natural resources.

Leverage and Collaboration

- Identify and describe all resources and prior investments that the qualified County will leverage to complete the project, including but not limited to, model rules and policies, current rules and policies that are developed or under development, or other resources the County will leverage.
- Describe how the county will collaborate in the development of rules and policies with key stakeholders and induce public participation, including but not limited to, developers, utilities, conservation groups, other local and regional governments, and state and federal government.

Return on Investment

- Describe how other local governments will benefit from the products developed and knowledge gained from the project, including a plan to disseminate information from the products developed during the project.
- Identify the innovative features of the proposed project and describe how such features facilitate eligible renewable energy resource development and, where applicable, natural resource conservation.
- Describe and quantify the expected benefits to the qualified County and the State, including but not limited to: job creation, tax revenue, and other measures of economic activity, and, where applicable, natural resource conservation. Describe how the expected benefits are a function of development interest in eligible renewable energy resources and, where applicable, demand for natural resource conservation.

Preference Points

- Qualified Counties that are seeking preferences identified in Public Resources Code Section 25619(c), and described in Chapter II, must identify the preference(s) the county is seeking and demonstrate why the County is eligible for those preference(s). The Preference(s) described must match the Preference(s) that the applicant selects on the Application Form.

D. Scope of Work and Schedule of Products and Due Date

Applicants must include a completed Scope of Work and Schedule of Products and Due Dates for each project. Please use the templates contained in Attachment 2 and Attachment 4, respectively.

All work must be scheduled for completion no later than March 31, 2015. Instructions for completing the Scope of Work as well as a sample are included in Attachment 3. **Electronic files for the Scope of Work must be in MS Word.**

Instructions for the Schedule of Products and Due Dates are included in the document template in Attachment 4. **Electronic files for the Schedule of Products and Due Dates must be in MS Excel.**

E. Budget Forms

The Budget Forms template is available as Attachment 5 to this PON. Instructions for completing the Budget Forms are included in the Budget Forms template.

Task Summary	Attachment 5, Attachment B-1a
Category Summary	Attachment 5, Attachment B-2
Prime Labor Rates	Attachment 5, Attachment B-3
Labor Rates for each Subcontractor	Attachment 5, Attachment B-3 a-z
Prime Non-Labor Rates	Attachment 5, Attachment B-4
Non-Labor Rates for each Subcontractor	Attachment 5, Attachment B-4 a-z
Direct Operating Expenses	Attachment 5, Attachment B-5

The Applicant must submit information on **all** of the attached budget forms, B-1 through B-5.

Detailed instructions for completing these forms are included at the beginning of Attachment 5.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the Recipient for this PON. The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. The rates are considered capped and shall not change during the term of the agreement. The Recipient shall only be reimbursed for their **actual** rates up to these rate caps. The hourly rates provided in all B-3s shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).

All budget forms are required because they will be used for the agreement prepared with the winning Applicant(s).

NOTE: The information provided in these forms will **not** be kept confidential.

F. Budget Information

1. All project expenditures (reimbursable) must be expended within the approved term of the funding agreement.
2. Instructions for completing the Budget Forms are included in the Budget Forms template. The Budget Forms template is available as Attachment 5. Applicants must complete the Budget Forms template and are responsible for reviewing the instructions in the Budget Forms template.
3. The Budget should allow for the expenses of a Kick-off Meeting, at least one (1) Critical Project Review meeting, and a Final meeting. It is anticipated that meetings will be conducted at the Energy Commission located in Sacramento, CA.
4. The Budget should allow for the preparation and submission of monthly progress reports (1-2 pages each) during the approved term of the agreement, and a Final Report. Instructions for preparing the Final Report will be provided to successful Applicants.
5. The purchase of equipment (defined as items with a unit cost greater than \$5,000 and a useful life of greater than one year) with Energy Commission funds will require disposition of purchased equipment at the end of the project. Typically, Grant Recipients may continue to utilize equipment purchased with Energy Commission funds as long as the use is consistent with the intent of the original Grant Agreement. *There are no disposition requirements for equipment purchased with match share funding.*
6. The Budget must reflect estimates for **actual** costs to be incurred during the approved term of the project. The Energy Commission can only approve and reimburse for actual costs that are properly documented in accordance with the Grant Terms and Conditions. Consistent with Public Resources Code Section 25619(b), not more than one percent (1%) of the grant funds may be allocated to provide training to county planning staff to facilitate the siting and permitting of eligible renewable energy resources. Applicants that will use grant funds to train county planning staff must include training costs in the Budget and include training as part of the Scope of Work.

7. The Budget must **NOT** include any profit from the proposed project as a reimbursed item. Please review the Grant Terms and Conditions for additional restrictions and requirements.

G. Authorizing Resolution

Applicants must submit a copy of a resolution from the Board of Supervisors that approves the county's application to this solicitation. Authorizing resolutions must be submitted on or before May 1, 2013. At a minimum, resolutions must:

- a) Include the total dollar amount requested.
- b) Designate the position (not the person occupying the position), or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, and payment requests, which may be necessary for the completion of the project(s) resulting from this solicitation.

The Energy Commission will not approve a grant agreement until a complete and compliant authorizing resolution is submitted.

H. Memorandum of Understanding

On December 12, 2012, the Energy Commission approved a template MOU for counties in the DRECP planning area. A copy of the template MOU and instructions for executing the MOU are available in Attachment 12. **NOTE: If the instructions for executing an MOU are not followed and a qualified county in the DRECP planning area does not have a county- and Energy Commission- approved MOU on or before May 1, 2013 the Energy Commission may disqualify the application.**

I. California Environmental Quality Act (CEQA) Compliance Form

Applicants must complete Attachment 10. The Energy Commission requires this information to assist its own determination under the California Environmental Quality Act (Pub. Resource Code Section 21000 et.seq).

IV. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the applications will be evaluated. It describes the evaluation stages, preference points, and scoring of all applications.

APPLICATION EVALUATION

An Applicant's application will be evaluated and scored based on their response to the information requested in this PON. The entire evaluation process from receipt of applications to posting of the Notice of Proposed Award is confidential.

To evaluate all Applications, the Energy Commission will organize an Evaluation Committee. The Evaluation Committee may consist of Energy Commission staff or staff of other California or Federal entities.

The Applications will be evaluated in two stages:

Stage One: Administrative and Completeness Screening

The Grants Office will screen Applications for compliance with proposal requirements and the Grounds for Rejection sections of this solicitation. Applications that fail Stage One shall be disqualified and eliminated from further evaluation.

Stage Two: Technical and Cost Evaluation of Applications

Applications passing Stage One will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria in this solicitation.

During the evaluation and selection process, the Evaluation Committee may schedule a clarification interview with an Applicant that will either be held by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the application. However, these interviews may not be used to change or add to the contents of the original Application. Applicants will not be reimbursed for time spent answering clarifying questions.

The total score for each Application will be the average of the combined scores of all Evaluation Committee members.

A minimum score of 70 percent is required for the application to be eligible for funding.

The Energy Commission will propose awards, starting with the highest ranked project. Partial funding may be considered to maximize grant awards.

NOTICE OF PROPOSED AWARD

The results of the Energy Commission's decision of proposed funding level, the rank order of proposers, and the amount of each proposed award will be posted in a Notice of Proposed Awards (NOPA). The Commission will post a NOPA at the Commission's headquarters in Sacramento, on the Commission's Web Site, and will mail the NOPA to all parties that submitted an application.

Proposed awards for applicants that do not submit an Authorizing Resolution with their grant application and/or do not have a county- and Energy Commission- approved MOU at the time the NOPA is posted will be considered conditional until the applicant submits all required documentation by the deadlines shown in the Key Activities and Dates in Chapter I.

In the event that an applicant on the NOPA does not fulfill all document submittal requirements, the Energy Commission reserves the right to not fund the applicant and instead fund the next highest ranked unfunded applications that are eligible for funding.

DEBRIEFINGS

Unsuccessful Applicants may request a debriefing after the release of the NOPA. A request for debriefing must be received no later than 15 days after the NOPA is released.

SCORING SCALE

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described in the Evaluation Criteria.

% of Possible Points	Interpretation	Explanation for Percentage Points
0%	Not Responsive	Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
25%	Minimally Responsive	Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
50%	Inadequate	Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution.
70%	Adequate	Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.
80%	Good	Response fully addresses the requirements being scored with a good degree of confidence in the Applicant's response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable.
90%	Excellent	Response fully addresses the requirements being scored with a high degree of confidence in the Applicant's response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations.
100%	Exceptional	All requirements are addressed with the highest degree of confidence in the Applicant's response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution.

EVALUATION CRITERIA

The tables below describe the Pass/Fail criteria the Energy Commission will use to determine if applicants meet Minimum Eligibility Criteria. Applicants that fail to meet any of the Minimum Eligibility requirements may be disqualified. The table also includes the criteria the Evaluation Committee will use to score applicants' responses to the requirements for the Project Narrative, Scope of Work, and Project Budget. Lastly, the table describes the criteria the Evaluation Committee will use to determine Preference Points. The Scoring Committee will use the Scoring Scale previously shown to assign a score for each Evaluation Criteria.

Evaluation Criteria	Pass/Fail
<u>Minimum Eligibility Requirements</u>	
Eligibility- Applicant is a qualified county as defined in Public Resource Code Section 25619(a).	Pass/Fail
<p>Eligibility- Applicants within the DRECP planning area have satisfied one or both of the following requirements:</p> <p>Public Resources Code Section 25619(b)(1) The county is a "plan participant" as defined by paragraph (1) of subdivision (j) of Section 2805 of the Fish and Game Code, in the Desert Renewable Energy Conservation Plan.</p> <p>-OR-</p> <p>Public Resources Code Section 25619(b)(2) The county enters into a memorandum of understanding with the Energy Commission in which the county agrees to participate in the development of a natural community conservation plan for the purpose of ensuring that the natural community conservation plan can achieve the goals set forth in the planning agreement entered into pursuant to Section 2810 of the Fish and Game Code, that is dated May 2010, for the preparation of a natural community conservation plan, in a manner that is consistent with the applicable policies of the county.</p>	Pass/Fail/NA
<p>Eligibility- Applicant's project is consistent with Public Resource Code Section 25619 (b):</p> <p>If applicant proposes to adopt or revise a general plan element or zoning ordinance, the applicant demonstrates that the project will be completed within two years of receipt of the grant and is consistent with the conservation strategies of any natural community conservation plan located in that county if one has been approved, or is under development, pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code.</p> <p>-AND-</p> <p>The applicant proposes to develop or revise rules and policies that facilitate the development of eligible renewable energy resources, and their associated electric transmission facilities, and the processing of permits for eligible renewable energy resources.</p>	Pass/Fail

<p>Complete Application- Application is in the correct format, all required documents are complete and included, and the application is submitted on time.</p> <p>Applicants that do not submit a copy of an authorized resolution from their board of supervisors with their grant application have until May 1, 2013 to submit an authorizing resolution.</p>	Pass/Fail
<p>Application Schedule- The Schedule of Products and Due Dates includes all Administrative Tasks and Technical Tasks shown in the applicant's Scope of Work. The project is scheduled for completion no later than March 31, 2015.</p>	Pass/Fail
Evaluation Criteria	Possible Points
<u>Project Narrative</u>	
<p><u>Background Responses</u></p> <p>Organization Structure and County Vision- Application clearly describes the organizational structure of the County, including a description of how the organizational structure relates to the project. Applicant sets the project into the context of the County's future vision for renewable energy development and conservation.</p> <p>Experience and Demonstrated Need- Applicant demonstrates experience with eligible renewable energy resource development, describes current and future interest for eligible renewable energy resource development, and demonstrates experience with conservation planning and implementation and future demand for conservation planning and implementation related to eligible renewable energy resource development.</p>	10
<p><u>Planning and Conservation Responses</u></p> <p>Impediments- Applicant identifies impediments to eligible renewable energy resource development, including those impediments resulting from current county rules and policies and those impediments that exist because current county rules and policies are not consistent with rules and policies of other permitting entities and/or processes. Impediments describe the principal barriers, key unresolved issues, and knowledge gaps that hinder eligible renewable energy development in the County. The impediments are consistent with the applicant's Problem Statement in the Scope of Work.</p> <p>Rules and Policies- Applicant identifies the rules and policies that the county will develop or revise and describes how the rules and policies will facilitate eligible renewable energy resource development, and their associated electric transmission facilities, and the processing of permits for eligible renewable energy resources in the county.</p> <p>Regional Conservation Planning</p> <p>Applicant describes its commitment to regional conservation planning, including but not limited to NCCPs and HCPs, General Plan Policies, or</p>	30

<p>other conservation plans.</p> <p>Where applicable, applicant identifies all NCCPs and/or HCPs, approved or under development, that include land within the legal boundary of the applicant's county and cover eligible renewable energy resources.</p> <p>Where applicable, applicant explains how the proposed rules and policies are consistent with the conservation strategies of any NCCP if one has been approved, or is under development, pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code and/or any HCP.</p> <p>State Planning Priority: Natural Resources- Applicant demonstrates how the project is consistent with Government Code section 65041.1(b): <i>To protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands, natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands, recreation lands such as parks, trails, greenbelts, and other open space, and landscapes with locally unique features and areas identified by the state as deserving special protection.</i></p>	
<p><u>Leverage and Collaboration</u></p> <p>Leverage- Applicant identifies and describes resources and/or prior investments that the applicant will leverage to complete the project.</p> <p>Collaboration and Public Participation- Applicant describes how the county will collaborate in the development of rules and policies with key stakeholders and induce public participation.</p>	15
<p><u>Return on Investment</u></p> <p>Information Dissemination- Applicant describes how the project can be used by other California local governments and offers a plan to share information gained through the project.</p> <p>Innovation- Applicant identifies innovative features of the proposed project and demonstrates how the innovative features facilitate development of eligible renewable energy resources and, where applicable, natural resource conservation.</p> <p>State and County Benefit- Applicant describes and quantifies the expected benefits to the state and to the county and describes how the expected benefits are a function of development interest in eligible renewable energy resources and, where applicable, the demand for natural resource conservation.</p>	10
Scope of Work	
<p><u>Project Summary</u></p> <p>Technical Task List matches task(s) described in Scope of Work.</p> <p>If a person is not identified in the Key Name List because the County will solicit a contractor for the Technical Task(s), the County includes a Job Classification/Title in the Technical Task and the Job Classification/Title</p>	10

<p>is consistent with those described on the applicant's Budget forms.</p> <p>The Glossary is inclusive of all acronyms used in the Scope of Work.</p> <p>The Problem Statement clearly identifies and describes the principal barriers, key unresolved issues, and knowledge gaps that hinder renewable energy development in the County and is consistent with the Project Narrative.</p> <p>The Problem Statement clearly explains why the identified barriers have not been addressed by other entities and describes the need to address the barriers at this time.</p> <p>The Goal(s) of the Agreement are succinct and affirm a commitment to overcoming the barriers in the Problem Statement.</p> <p>The Objective(s) of the Agreement are clearly identified and are measurable. If the objectives are not amenable to measurement, surrogate performance metrics are given and include the methodology or procedure used to measure achievement of the performance metrics.</p> <p>The Objective(s) of the Agreement include a list and description of the objectives that will result from the success of the project.</p>	
<p><u>Technical Tasks</u></p> <p>The Technical Tasks are logical, discrete, and sequential.</p> <p>Each Technical Task includes: Task Name, Task Goal, Task Activities, and Task Product.</p> <p>The Technical Tasks clearly implement the Project Narrative.</p> <p>The tasks are reasonable based upon the project scope.</p>	15
<p><u>Project Budget</u></p> <p>The project budget is consistent with the scope of work and itemizes reasonable costs, including the amount and calculation of Fringe Benefits, Indirect Overhead, and General and Administrative.</p> <p>The project budget shows the total budget, indicating all funding sources, for each task described in the scope of work.</p> <p>The project budget shows that key personnel and subcontractors will be committed to the project for the appropriate number of hours to accomplish the activities described in the work statement and at reasonable hourly rates.</p> <p>The project budget demonstrates that the funds requested are appropriate, relative to the goals and objectives of the project.</p> <p>The project budget clearly identifies that the portion of the budget dedicated to developing or revising rules and policies is significantly greater than the administrative costs.</p>	10
Total Possible Technical Points	100
Minimum Passing Score (70%)	

Preference Points (Public Resources Code Section 25619(c))	
<p>Preference: Renewable Energy Element</p> <p>Applicant proposes to develop a renewable energy element in its general plan that will facilitate the development and siting of eligible renewable energy resources that utilize multiple renewable energy technologies.</p> <p>Applications for renewable energy elements that will include rules and policies to facilitate development of two different eligible renewable energy technologies within the county will receive five (5) points and those that propose three (3) or more eligible technologies as part of the general plan element will receive ten (10) points.</p>	5 or 10
<p>Preference: Geothermal Energy</p> <p>Applicant demonstrates experience in geothermal energy development and has adopted a geothermal element, as defined in Public Resources Code Section 25133, to its general plan.</p>	5
Total Possible Preference Points	10 or 15

V. Administration

PON DEFINED

The competitive method used for this funding opportunity is a Program Opportunity Notice (PON). An Application submitted in response to this PON will be scored and ranked based on the Evaluation Criteria.

DEFINITION OF KEY WORDS

Important definitions for this PON are presented below:

Word/Term	Definition
State	State of California
Energy Commission	California Energy Commission
PON	Program Opportunity Notice, this entire document
Application	Formal written response to this document from Applicant
Applicant	Respondent to this PON
CAM	Commission Agreement Manager
GO	Grants Officer
Solicitation	Interchangeably used throughout this document to reference PON
DRECP	Desert Renewable Energy Conservation Plan
NCCP	Natural Community Conservation Plan
HCP	Habitat Conservation Plan
General Plan	Means a county/city comprehensive plan as defined in California Government Code 65300 et seq.
RPS	Renewables Portfolio Standard
Conservation	Generally, means natural resource conservation, including but not limited to, agriculture, habitats, and species.

COST OF DEVELOPING APPLICATION

The Applicant is responsible for the cost of developing an application, and this cost cannot be charged to the State.

CONFIDENTIAL INFORMATION

Applicants cannot submit confidential information. All information submitted will become publically available upon the posting of the Notice of Proposed Awards. In addition, the Commission will reject Applications that have any information labeled as “confidential” unless the applicant clarifies upon request that it made a mistake and the information is not confidential. The Commission will not accept or retain any Applications that include confidential information.

PON CANCELLATION AND AMENDMENTS

It is the policy of the Energy Commission not to solicit proposals unless there is a bona fide intention to award an Agreement. However, if it is in the State's best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this PON;
- Revise the amount of funds available under this PON
- Amend this PON as needed; or
- Reject any or all Applications received in response to this PON

If the PON is amended, the Energy Commission will send an addendum to all parties who requested the PON and will also post it on the Energy Commission's Web Site www.energy.ca.gov/contracts.

ERRORS

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the PON, the Applicant shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the PON, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF APPLICATION

An Applicant may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Application before the deadline to submit applications. Applications cannot be changed after that date and time. An Application cannot be "timed" to expire on a specific date. For example, a statement such as the following is non-responsive to the PON: "This application and the cost estimate are valid for 60 days."

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in an Applicant's application. The Energy Commission's waiver shall in no way modify the application or excuse the successful Applicant from full compliance.

DISPOSITION OF APPLICANT'S DOCUMENTS

On the Notice of Proposed Award posting date all applications and related material submitted in response to this PON become a part of the property of the State and public record. Applicants who want any work examples they submitted with their applications returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

APPLICANTS' ADMONISHMENT

This PON contains the instructions governing the requirements for a firm quotation to be submitted by interested Applicants, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Applicant responsibilities. Applicants must take the responsibility to carefully read the entire PON, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the PON are followed and appropriately addressed, and carefully reread the entire PON before submitting an application.

GROUND TO REJECT AN APPLICATION

An Application shall be rejected if:

- It is received after the exact time and date set for receipt of applications as identified in Chapter I.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
- It contains confidential information.
- The Applicant does not agree to the terms and conditions as attached to the solicitation either by not signing the Recipient Status Form or by stating anywhere in the bid that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

An Application may be rejected if:

- It is not prepared in the mandatory format described.
- It is unsigned.
- The firm or individual has submitted multiple applications for each task.
- It does not literally comply or contains caveats that conflict with the PON and the variation or deviation is not material, or it is otherwise non-responsive.
- The budget forms are not filled out completely.
- The Applicant does not have a qualifying MOU on file with the Energy Commission on or before May 1, 2013. This rule applies to those qualified counties required to enter into an MOU as described in PRC Section 25619.
- The Applicant does not submit a compliant authorizing resolution from the applicant's board of supervisors to the Energy Commission's Contracts, Grants and Loans Office on or before May 1, 2013.
- The Applicant does not meet the minimum eligibility requirements listed in this PON.

AGREEMENT REQUIREMENTS

The content of this PON shall be incorporated by reference into the final agreement. See the sample Agreement terms and conditions included in Attachment 13 of this PON.

The Energy Commission reserves the right to negotiate with Applicants to modify the project scope, the level of funding, or both. If the Energy Commission is unable to successfully negotiate and execute a funding agreement with an Applicant, the Energy

Commission, at its sole discretion, reserves the right to cancel the pending award and fund the next highest ranked eligible project.

The Grant Agreement will be scheduled and heard at an Energy Commission Business Meeting for approval.

Public agencies that receive funding under this solicitation must provide an authorizing resolution approved by their governing authority to enter into an Agreement with the Energy Commission and designating an authorized representative to sign.

The Energy Commission will send the approved Grant Agreement, including the general Terms and Conditions and any additional terms and conditions, to the grant recipient for review, approval, and signature. Once the grant recipient signs, the Energy Commission will fully execute the Grant Agreement. Recipients are approved to begin the project only after full execution of the Grant Agreement.

No Agreement Until Signed & Approved

No agreement between the Commission and the successful Applicant is in effect until the agreement is signed by the Recipient, approved at a Commission Business Meeting, and signed by the Energy Commission representative.

The Energy Commission reserves the right to modify the award documents prior to executing the Agreement.

Agreement Amendment

The agreement executed as a result of this PON will be able to be amended by mutual consent of the Commission and the Recipient. The agreement may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.

PAYMENT OF PREVAILING WAGES

Some projects under this solicitation might be considered public works pursuant to the California Labor Code. If the project is a public work, prevailing wage is required. The California Department of Industrial Relations (DIR) has jurisdiction to decide whether a particular project is or is not a public work. If the project involves construction, alteration, demolition, installation, repair or maintenance work, it probably would be considered by DIR to be a public work. Examples of the activities that would probably lead DIR to find that the project involves public works include: cement work, site preparation such as grading, surveying, electrical work such as wiring, and carpentry work. Certain workers are entitled to prevailing wage, such as operating engineers, surveyors, carpenters, laborers, etc. However, other workers are not subject to State prevailing wage laws, such as design or pre-construction engineers or project superintendent who do not perform work on the projects.

Applicants must determine if the proposed project(s) involve(s) public works, and ensure that the project budget for labor reflects all prevailing wage requirements. The budget should indicate which job classifications are subject to prevailing wage.

In order to determine if the proposed project(s) involve(s) public works, please contact DIR as advised in Attachment 7. If the Applicant is unsure whether the proposed project(s) involve(s) public works and has not received a determination from DIR that the project is not a public work, the Applicant is advised to prepare a budget assuming that prevailing wage laws apply.

If the proposed project is a public work, or is assumed to be a public work, the Applicant can contact DIR for a list of covered trades and the applicable prevailing wage. Any agreement resulting from this solicitation will include the requirements for a public works project, such as paying prevailing wage, keeping payroll records, complying with working hour requirements, and apprenticeship obligations. See the sample terms and conditions, the Special Condition regarding Prevailing Wage Compliance (Attachment 7), and Prevailing Wage Compliance Certification Form (Attachment 8).

For detailed information about prevailing wage and the process to determine if the proposed project(s) is a public work, see the Prevailing Wage Compliance Questions and Answers (Attachment 9).